

**CALIFORNIA COASTAL COMMISSION**

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**W16c**

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Staff: Charles Posner - LB  
Staff Report: 8/24/2006  
Hearing Date: September 13, 2006  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-06-209

**APPLICANTS:** Peter & Robin Rudisill      **AGENT:** N/A

**PROJECT LOCATION:** 3003 & 3003 ½ Ocean Front Walk, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Major remodel and enlargement of an existing two-story, 2,381 square foot duplex on a 2,520 square foot beach-fronting lot, resulting in a three-story, 35-foot high, 3,400 square foot duplex with three parking spaces (two-car garage plus one).

Lot Area	2,520 square feet
Building Coverage	1,767 square feet
Pavement Coverage	564 square feet
Landscape Coverage	189 square feet
Parking Spaces	3
Zoning	C1-1
Plan Designation	Community Commercial
Ht above final grade	35 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case Nos. ZA2005-6257-ZAA (5/4/2006) & DIR2006-4749-SPP (7/5/2006).

**SUMMARY OF STAFF RECOMMENDATION**

Although the proposed project would preserve a non-conforming parking situation on the site (the proposed project provides three on-site parking spaces instead of four for the two residential units), staff is recommending that the Commission approve the coastal development permit application because the proposed development is the renovation of an existing structure and not a new building. According to the applicants, more than half of the exterior walls of the existing duplex will be retained in the renovated structure, and the on-site parking supply will be increased from two to three parking spaces. The recommended special conditions of approval would ensure that the applicants would not retain any rights to the non-conforming parking in the event that more than fifty-percent of the exterior walls of the duplex are removed during the project. The recommended special conditions also address permit compliance, compliance with the Venice walk street standards, water quality, building height and provision of three on-site parking spaces. The applicants agree with the recommendation, except for the 42-inch fence height limit applicable to the portion of the project that encroaches into the 30<sup>th</sup> Avenue right-of-way (walk street). **See Page Two for the Motion.**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/14/2001.
2. Coastal Development Permit Application 5-01-162 (Neptune: 16 Paloma Ave.).
3. Coastal Development Permits 5-01-267 & 268 (Villa Lido: 2201-2205 OFW).
4. Coastal Development Permit 5-03-520 (Ennis: 2911 OFW).
5. Coastal Development Permits 5-04-027 & 028 (Venice Lofts: 619-701 OFW).
6. Coastal Development Permit 5-04-150 (Binder: 2703 OFW).
7. Coastal Development Permit 5-05-178 (Targon: 3009 OFW).

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve with special conditions Coastal Development Permit 5-06-209 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Approved Development - Permit Compliance

Coastal Development Permit 5-06-209 approves the renovation and enlargement of an existing duplex with the retention of more than fifty-percent (50%) of the existing exterior walls. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Termite Inspection

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a termite inspection report, prepared by a licensed professional, indicating the degree, if any, of termite damage that exists within the existing structure that is the subject of the permit. The termite inspection report shall also be submitted to the City of Los Angeles Building Department for review and comment.

If the termite inspection report indicates that additional demolition (beyond fifty-percent of the exterior walls) may be necessary in order for the structure to meet building and safety standards, the applicants shall submit a complete amendment request application or a complete application for a new coastal development permit. Whether an amendment or permit application is submitted shall be determined by the Executive Director. The application shall address the issue of revisions to the project due to the need for additional demolition. ***Development may not proceed while an amendment or new coastal development permit application is pending pursuant to the special conditions of this permit.***

#### 3. Non-conforming Rights - Demolition

This coastal development permit does not permit the demolition of the existing structure on the site. The submitted plans show that more than fifty-percent (50%) of the exterior walls of the existing structure will remain in place. If, for any reason, more than fifty-

percent (50%) of the exterior walls of the existing structure are removed, the applicants shall stop work and submit an application to amend this coastal development permit.

After demolition (of less than fifty-percent of the exterior walls) has been completed, and the framing of the walls to remain is exposed pursuant to the partial demolition plan approved in this permit, **but prior to any new construction**, the applicants shall request and receive a site inspection by the Commission staff person assigned to this coastal development permit. The staff's inspection report shall indicate whether any demolition beyond the amount shown on the partial demolition plan approved by this permit has occurred. If additional demolition has already occurred or must occur due to the deteriorated state of the walls, which were proposed by the applicants to remain, the applicants shall submit a complete amendment application or a complete application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition. Whether an amendment or a new application is submitted shall be determined by the Executive Director.

**No further development may occur until either:**

- a) The Executive Director determines, pursuant to the staff's inspection report and in consultation with the City Department of Building and Safety, that all walls identified as walls to remain are intact and structurally sound; or
- b) The applicants submit an amendment request application if so directed by the Executive Director and the amendment request is subsequently approved by the Coastal Commission and issued by the Executive Director; or
- c) The applicants submit a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission (and also the City of Los Angeles Planning Department, if necessary) and issued by the Executive Director (and City).

4. Parking

The proposed on-site parking supply (two-car garage plus one unenclosed space) shall be provided and maintained on the site shown on **Exhibit #7 of the 8/24/06** staff report. Vehicular access to the on-site parking shall be taken only from Speedway Alley. Private parking on the 30<sup>th</sup> Avenue right-of-way is not permitted.

5. Building Height

The roof of the approved structure shall not exceed thirty-five feet (35') in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design shall not exceed 42 inches above the 35-foot roof height limit. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may extend up to forty feet (40') in elevation above the Ocean Front Walk right-of-way.

6. 30<sup>th</sup> Avenue Walk Street – Encroachment onto the Right-of-Way

The proposed development shall not interfere with public pedestrian access to and along the public accessway that runs down the center of the 30<sup>th</sup> Avenue right-of-way. In order

to enhance visual quality, preserve the water quality, and to provide a transitional zone between the 30<sup>th</sup> Avenue public accessway and the private dwelling, the proposed private use and development of part of the 30<sup>th</sup> Avenue public right-of-way is required as follows:

- A. The area situated between the 30<sup>th</sup> Avenue accessway and the applicants' property line (i.e., the project area within the 30<sup>th</sup> Avenue right-of-way) shall be maintained as a permeable yard area, except for minimal paved walks to the building entrances. Only non-invasive and low water use plants shall be used.
- B. No new trees or shrubs over 48 inches in height are permitted in the right-of-way.
- C. Private parking on the 30<sup>th</sup> Avenue right-of-way is not permitted. In order to prevent vehicular access on the portion of the project site situated within the 30<sup>th</sup> Avenue right-of-way, the permittees shall maintain a decorative fence (e.g. split rail, picket or rustic) not exceeding 42 inches in height to enclose the area situated between the 30<sup>th</sup> Avenue accessway and the permittees' property line (i.e., enclose the project area situated within the 30<sup>th</sup> Avenue right-of-way).
- D. The existing wall on the 30<sup>th</sup> Avenue right-of-way shall be modified as necessary in order to conform with the 42-inch height limit applicable to the portion of the project that encroaches into the 30<sup>th</sup> Avenue right-of-way (walk street).

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised plan for the portion of the proposed development situated within the 30<sup>th</sup> Avenue right-of-way that complies with the requirements of this condition. The permittees shall undertake and maintain the development in conformance with the approved final plans. Any proposed change to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Ocean Front Walk

Private use or development of the public right-of-way of Ocean Front Walk is not permitted. Unpermitted off-site development includes, but is not limited to, construction, storage, landscaping and posting of signs.

8. Construction Responsibilities and Debris Removal

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location.
- C. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to

prevent runoff/sediment transport into the sea or canals and a pre-construction meeting to review procedural and BMP guidelines.

- D. The applicants shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicants propose to remodel and enlarge an existing two-story, 2,381 square foot duplex on the corner of Ocean Front Walk and 30<sup>th</sup> Avenue near the Venice Pier (Exhibit #3). The project site is a 2,520 square foot lot (and a twelve-foot wide segment of the abutting 30<sup>th</sup> Avenue right-of-way) situated on the inland side of Ocean Front Walk, the paved public walkway ("Venice Boardwalk") that separates the private properties of the residential neighborhood from the open sandy public beach. 30<sup>th</sup> Avenue is a 36-foot wide City right-of-way designated as a walk street (i.e., closed to vehicular access) by the certified Venice Land Use Plan (LUP). The immediate neighborhood is comprised of a variety of old and new multi-unit residential structures that vary in height between twenty and forty feet.

The proposed project includes additions to the front and rear of the two existing floor levels, and the addition of a new third story, resulting in a three-story, 35-foot high, 3,400 square foot duplex (Exhibit #9). The applicants' plans show that more than fifty-percent (approximately 58%) of the exterior walls of the existing structure will remain in place during the proposed renovation and enlargement (Exhibit #6). The proposed project complies with the 35-foot height limit for the site set forth by the certified Venice Land Use Plan (LUP).

The applicants propose to continue to use the renovated structure as a duplex with a non-conforming on-site parking supply. Currently, the garage on the rear of the 28-foot wide lot provides two parking spaces (Exhibit #4). The proposed renovated building includes a new attached two-car garage and one unenclosed parking space, all accessed from Speedway, the rear alley (Exhibit #7).

The existing building is 22 feet wide, because the lot, like the others on the block, is only 28 feet wide. Three-foot wide side yards are being provided, although new stairways and balconies would encroach into the side yards. The proposed addition is set back three feet from the Ocean Front Walk right-of-way, also known as the Venice Boardwalk (Exhibit #7). The applicants also propose to improve and maintain the existing twelve-foot wide landscaped encroachment area within the 30<sup>th</sup> Avenue right-of-way (situated between the 30<sup>th</sup> Avenue accessway and the applicants' property line) as required by the certified Venice LUP. The proposed project has been approved by the City of Los Angeles Planning Department (Case Nos. ZA-2005-6257 & DIR-2006-4749) and is consistent with the surrounding land uses.

## **B. Demolition vs. Remodel**

The issue of whether a project constitutes demolition and new construction rather than a remodel of an existing structure becomes significant when the applicants propose to retain an existing non-conformity. In the case of the proposed project, the applicants are requesting approval for the renovation of a duplex that is non-conforming in regards to parking. The parking requirement table (Policy II.A.3) contained in the certified Venice Land Use Plan (LUP) sets forth a requirement for a minimum of two on-site parking spaces for each residential unit (four for a duplex). Two on-site parking spaces currently exist on the site, and three would be provided by the proposed two-unit renovation project (Exhibits #4&7).

The applicants have submitted detailed information about the amount of demolition that would occur with the proposed project. Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The walls proposed to remain must retain their structural components such as studs. Cosmetic portions of the wall, such as exterior stucco and interior drywall, may be removed.

In the case of the proposed project, 54 feet of the two exterior walls on the sides of the existing building are proposed to be retained and remain standing, while the front and back walls would be removed where new additions are proposed (Exhibit #6). The interior of the duplex would be altered to allow for a new floor plan on the two existing levels, while a new third story and a new flat roof (with a deck and 36-inch high safety railings) would be added to the top of the old building shell. The project will increase the interior floor area of the duplex from 2,381 square feet to 3,400 square feet. Two renovated residential units would occupy the site once the proposed project is completed.

The Commission has generally found that if less than fifty-percent (50%) of the linear feet of the existing exterior walls are removed, the project can be reviewed as a remodel or renovation rather than new construction. The significance of this distinction is that existing non-conformities may remain in a remodel or renovated structure. However, it must be noted that the amount of demolition could easily exceed the critical fifty-percent point once demolition is begun, either by accident or for other reasons. For example, a contractor could “unwittingly” or “accidentally” knock down a wall, or it may appear prudent to the contractor to remove and rebuild a section of existing wall to facilitate construction. Further, it is not uncommon to discover structural problems such as termites or dry rot within walls that were proposed to remain once the studs are exposed. This situation often arises in the case of older homes like the existing structure, which was constructed about fifty years ago. When this happens the wall must be taken down to meet building safety standards. Once a new wall is erected in the same location, it is virtually impossible to determine that the wall replacement has occurred. This leads to the situation where a remodel project really constitutes demolition and new development, and would have been required to meet the appropriate parking standards. This issue has arisen with previously approved coastal development permits including Coastal Development Permit 5-01-327 (Storey) in Venice and Coastal Development Permit 5-98-251 (Boehringer) for a project in Laguna Beach.

The Commission finds that application of the fifty-percent demolition threshold provides a consistent and equitable method of dealing with existing non-conformities associated with extensive remodel projects. Therefore, the Commission finds that because the proposed

project does not exceed the fifty-percent threshold, it does not constitute demolition and new construction and so the existing non-conforming parking situation may remain. However, contingencies must be in place once the demolition is under way to assure that the critical threshold is not exceeded, or if it is exceeded, to establish an avenue which allows the project to be re-assessed based on the revised demolition figure.

As stated above, a frequent reason additional demolition becomes necessary is the discovery of termites and termite damage within the walls proposed to remain. In order to minimize the chances of this issue arising after demolition has begun, a special condition is being imposed which requires the applicants to submit a termite inspection report prior to issuance of the coastal development permit. If the report indicates that the walls proposed to remain are damaged, the applicants are required to submit an amendment application or an application for a new coastal development permit. The Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would be evaluated based on the newly discovered information.

Another special condition is being imposed which requires that the applicants to request and receive a site inspection by the Commission staff person after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The staff's inspection report would verify the extent of demolition and the condition of the walls remaining. If the inspection indicates that more demolition has occurred than was approved (per the applicants' partial demolition plan) or that the walls originally proposed to remain are not structurally sound, the applicants are required to submit an amendment application or an application for a new coastal development permit. Again, the Executive Director would determine whether an amendment or new permit application is appropriate. Once a complete application is received, the project would then be evaluated based on the newly discovered information.

These special conditions are necessary to assure that development is carried out as proposed and that the development is consistent with the Chapter 3 policies of the Coastal Act. The proposed project's consistency with specific sections of the Coastal Act is discussed below.

### **C. Venice Walk Streets – Public Access and Visual Resources**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The visual resource policies of the Coastal Act require that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Shoreline recreation resources in the Venice area include: Venice Beach, Ballona Lagoon, the Venice Canals, walk streets, boardwalk, and the Marina del Rey north jetty which lies partly in the jurisdiction of the City of Los Angeles.

Venice Beach is a publicly owned sandy beach, which provides direct access to the entire oceanfront shoreline and is readily accessible to pedestrians and bicyclists. The boardwalk and walk streets in the North Venice and Marina Peninsula neighborhoods provide excellent pedestrian access to the beach. It is a goal of the Coastal Commission and the City to protect these public resources. Unregulated development along the boardwalk and walk streets could cause an over developed, crowded feel that may discourage public use and enjoyment of

these pedestrian accessways. Discouraging public access is inconsistent with the certified LUP and the public access policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The walk streets in North Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and many of them provide excellent vertical access to the beach. The Venice walk streets are generally typical of a number of southern California beach communities that were originally developed with weekend beach cottages early in the twentieth century when streetcars served these communities. Walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped "front yards" that encroach into the right-of-way up to the edge of the open public walkway that runs along the center of the right-of-way.

The project site abuts 30<sup>th</sup> Avenue, a 36-foot wide City right-of-way designated as a walk street by the certified Venice LUP (Exhibit #3). The 30<sup>th</sup> Avenue right-of-way provides direct pedestrian access to the beach. A twelve-foot wide concrete walkway runs down the center of the walk street. Vehicles are prohibited on 30<sup>th</sup> Avenue. The propose project includes improvements to an existing twelve-foot wide landscaped encroachment area within the 30<sup>th</sup> Avenue right-of-way (situated between the 30<sup>th</sup> Avenue accessway and the applicants' property line). The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies when reviewing development in and along the walk streets. The following certified LUP policies were designed and adopted in order to preserve the unique character of the Venice walk streets.

### **LUP Walk Street Design Standards**

Policies II.C.7, II.C.10 and II.C.11 of the certified Venice LUP state:

- ***Policy II. C. 7. Walk Streets.*** *Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way.*

*Vehicular access on walk streets shall be restricted to emergency vehicles. The minimum width of the pedestrian path shall be 10-12 feet in the North Venice and Peninsula areas and 4½ feet in the Milwood area. The remaining public right-of-way shall be limited to grade level uses including landscaping, patios, gardens and decks.*

(Staff note: Only a portion the lists of walk streets contained in LUP Policy II.C.7 are listed here).

*The following streets are designated as walk streets (as shown on LUP Exhibit 19):*

*West of Pacific Avenue and east of Ocean Front Walk:*

- |                                 |                             |
|---------------------------------|-----------------------------|
| <i>a. Twenty-fourth Avenue</i>  | <i>j. Galleon Street</i>    |
| <i>b. Twenty-sixth Avenue</i>   | <i>k. Mast Street</i>       |
| <i>c. Twenty-seventh Avenue</i> | <i>l. Outrigger Street</i>  |
| <i>d. Twenty-eighth Avenue</i>  | <i>m. Privateer Street</i>  |
| <i>e. Thirtieth Avenue</i>      | <i>n. Reef Street</i>       |
| <i>f. Anchorage Avenue</i>      | <i>o. Spinnaker Street</i>  |
| <i>g. Buccaneer Street</i>      | <i>p. Union Jack Street</i> |
| <i>h. Catamaran Street</i>      | <i>q. Westwind Street</i>   |
| <i>i. Sunset Avenue</i>         | <i>r. Yawl Street</i>       |
|                                 | <i>s. Via Marina</i>        |

• **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*

• **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.*

The 30<sup>th</sup> Avenue walk street is a valuable public resource that is afforded special protection by the certified Venice LUP. Most of the lots that abut 30<sup>th</sup> Avenue have enclosed part of the right-of-way and landscaped it consistent with certified Venice LUP Policy II.C.11.

The applicants' have also enclosed part of the right-of-way for use as a private yard area property consistent with certified Venice LUP, although a segment of the applicants' existing wall on the right-of-way exceeds the 42-inch height limit for such improvements set forth by LUP Policy II.C.11 (see above). As part of the proposed project, the applicants have requested Commission authorization to keep the existing 65-inch high wall in the right-of-way.

Staff is recommending that the Commission require the proposed project to comply with all of the standards set forth by the certified Venice LUP for walk street encroachments, including the 42-inch fence/wall height limit. Special Condition Six requires that the existing wall on the 30<sup>th</sup> Avenue right-of-way shall be modified as necessary in order to conform with the 42-inch height limit applicable to the portion of the project that encroaches into the 30<sup>th</sup> Avenue right-of-way (walk street).

Sections 30251 and 30253 of the Coastal Act require that the scenic and visual qualities of special coastal communities be protected.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

It is important that the heights of walls and fences in public rights-of-way be limited to 42 inches so that the full width of the walk streets will remain visible to pedestrians, and so that pedestrians and activities on the walk streets are visible from the houses. This intervisibility makes the walk street a defensible and supervised public space. Public space in a dense urban area is unsafe if it is not visible and defensible.

The applicants' lot is the first lot on the 30<sup>th</sup> Avenue walk street, and is therefore the entrance to the walk street as one leaves beach and boardwalk area (Exhibit #3). The 65-inch high wall adversely affects public views from the walk street and does not protect the special character of the 30<sup>th</sup> Avenue walk street. Although the proposed project will not directly obstruct the existing sidewalk or block the public's use of the accessway in the center of the right-of-way, it would continue to negatively affect the public's experience and perception of the walk street. If such high walls were to be approved along other walk streets, the public's view to the shoreline would be blocked in many areas and the walk streets would become narrow and sterile canyons. Approval of the existing 65-inch high wall would also prejudice the ability of the City to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act because the proposed wall exceeds the 42-inch height limit for walls along the historic Venice walk streets.

Since the Commission certified the Venice LUP in 2001, it has acted on a number of proposals for development (single-family residence and duplexes) along the Venice walk streets. In all cases, the Commission has required compliance with the walk street encroachment standards set forth by the certified Venice LUP, including the 42-inch fence/wall height limit. In one case [Coastal Development Permit Application 5-01-162 (Neptune: 16 Paloma Ave.)], the Commission denied a permit for a 7.5-foot high wall in the right-of-way.

Special Condition Six protects public access along the abutting walk street and requires that the proposed development comply with the walk street encroachment standards, as set forth by the certified Venice LUP. The condition also requires the applicants to submit a revised plan for the portion of the proposed project that encroaches into the 30<sup>th</sup> Avenue right-of-way. Special Condition Seven protects public access along Ocean Front Walk. Only as conditioned will the proposed project not adversely impact public access or scenic resources. Therefore, as conditioned, the proposed development conforms with the public access, recreation and visual resource policies of the Coastal Act.

#### **D. Public Access- Parking**

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Sections 30210 and 30211 provide for maximum access. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

The Coastal Act requires that new development not reduce existing access and that adequate parking be provided within new developments in order to protect public opportunities to access the shoreline and recreation areas. The Venice Canals, Venice Pier and Venice Beach, all in the neighborhood of the proposed project, are very popular public recreation areas. Because many of the older developments in the Venice Canals area and along Washington Boulevard do not provide adequate on-site parking to meet their parking demands, area visitors and residents often depend on the limited public parking provided by the local streets. The availability of parking on the public streets is limited by the fact that the streets in this neighborhood are primarily walk streets and narrow alleys. The competition for the limited on-street parking is very intense since the limited amount of public parking on the surrounding streets is being used by guests and residents of the area. As a result, there is a parking shortage in the area and public access has been negatively impacted by the difficulty in finding a parking space. To mitigate this problem, the Commission has consistently conditioned new residential projects to provide at least two on-site parking spaces per unit, plus guest parking.

The proposed project does not conform to the parking standards that are applicable to new projects the area. A new two-unit residential project in Venice would typically be required to provide at least four on-site parking spaces pursuant to the parking table in the certified Venice LUP and the Venice Specific Plan. Two on-site parking spaces exist on the site, and three would be provided by the proposed two-unit renovation project (Exhibits #4&7). With the

proposed addition of one parking space on the site, the existing parking deficiency will be improved, but not eliminated by the proposed project.

Therefore, staff is recommending that the Commission conditionally approve the proposed project because the project is a renovation and not a new building, as explained in the prior section of this staff report. Because the project is a renovation, and not a new building, the applicants are not required to provide the four on-site parking spaces that would be required for two new residential units. The permit is conditioned to ensure that the three proposed on-site parking spaces will be provided and maintained to serve the two existing residential units. The Commission finds that, only as conditioned to ensure the provision of the proposed on-site parking, is the proposed project consistent with the public access policies of the Coastal Act and the public parking policy of the certified Venice LUP.

#### **E. Marine Resources and Water Quality**

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

#### **F. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned the proposed development is consistent with Chapter 3 of the Coastal Act.

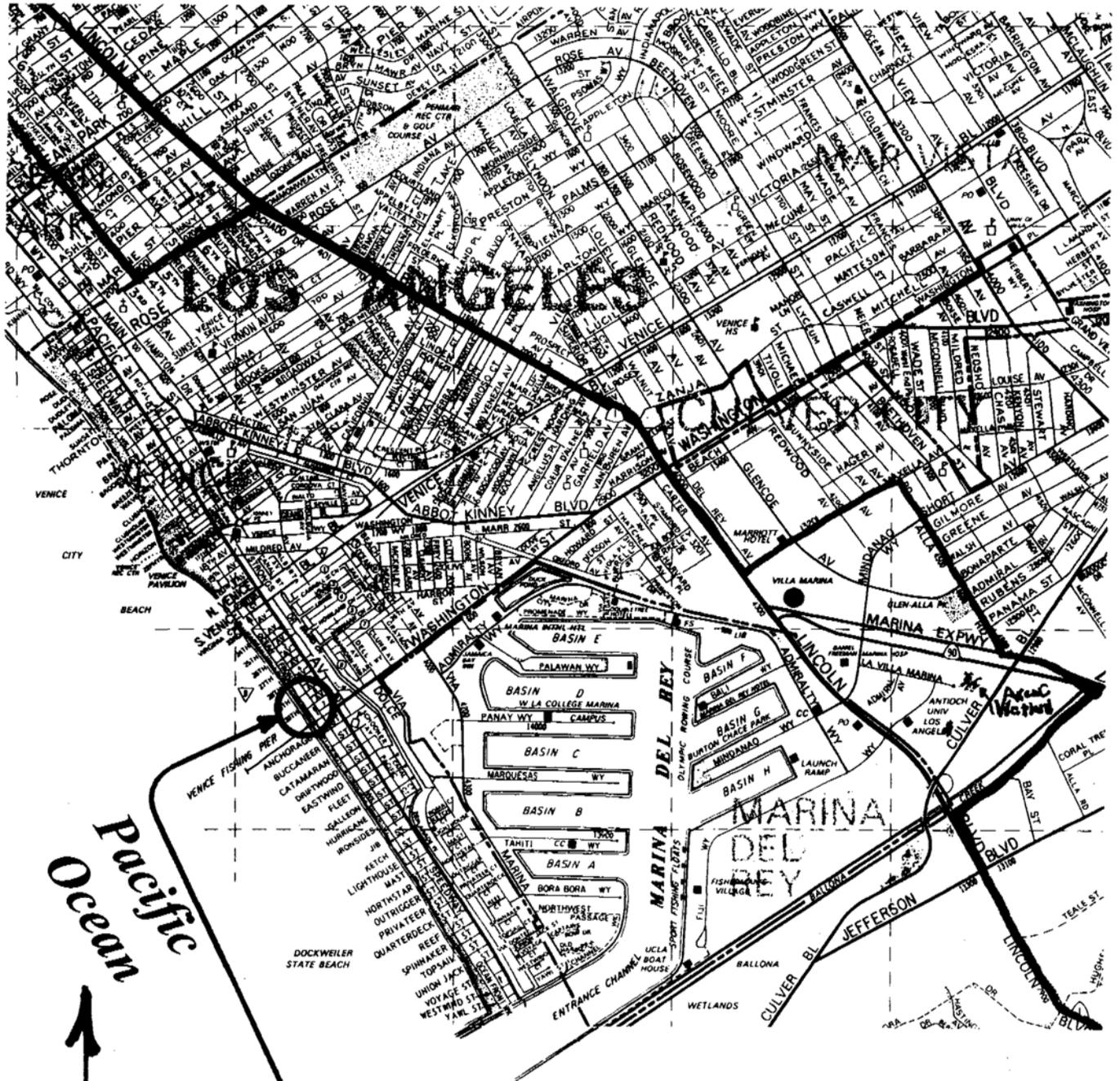
The proposed project does not conform to the parking requirements for new residential projects as set forth in the certified Venice LUP. Nonetheless, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act because the proposed project is a renovation of an existing structure and not a new building.

**G. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

# VENICE, CA



Pacific Ocean  
North

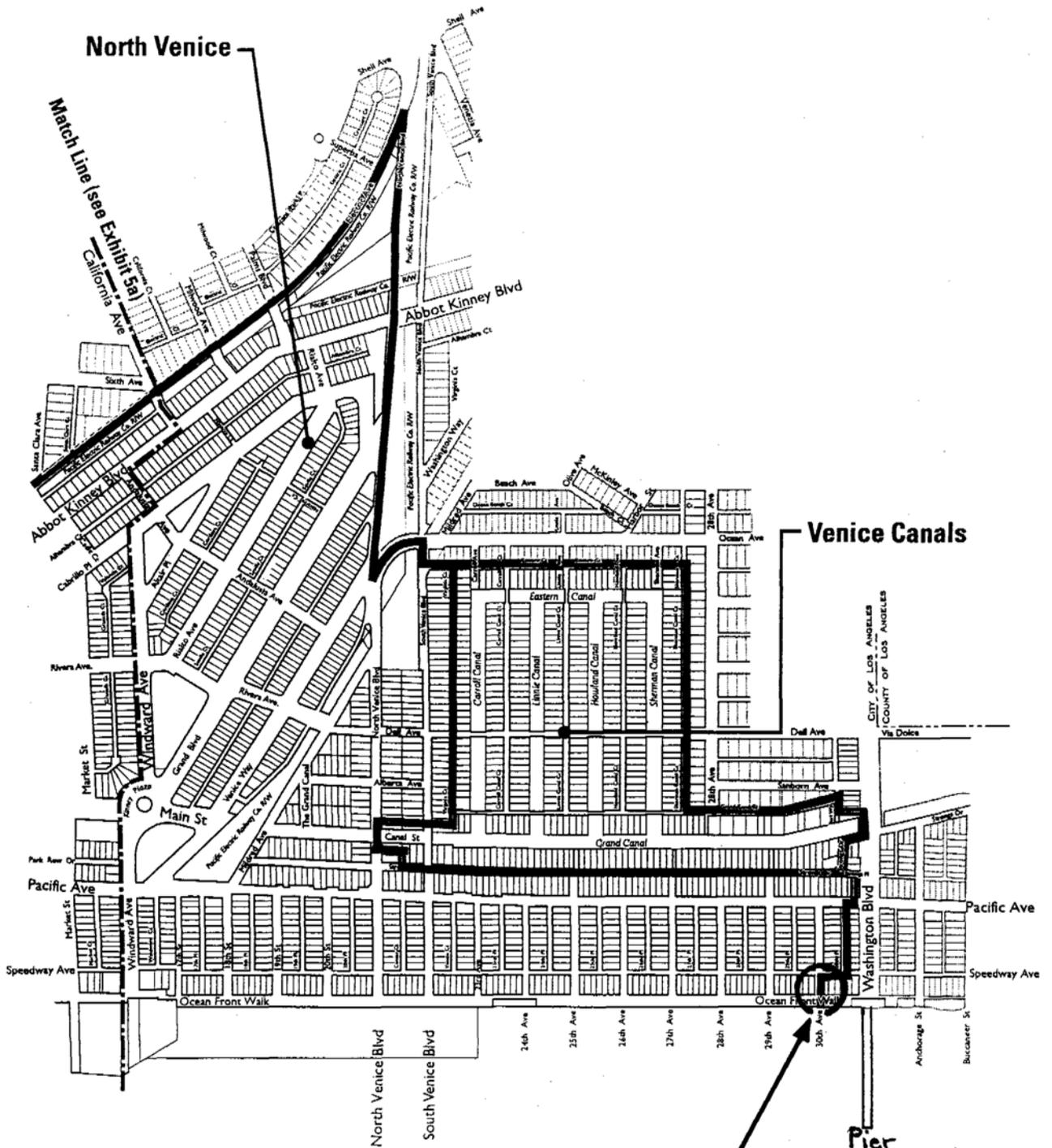
Site: 3003 OFW

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EXHIBIT # 1

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Site: 3003 OFW

LUP  
Exhibit 5b  
Subarea: North Venice • Venice Canal

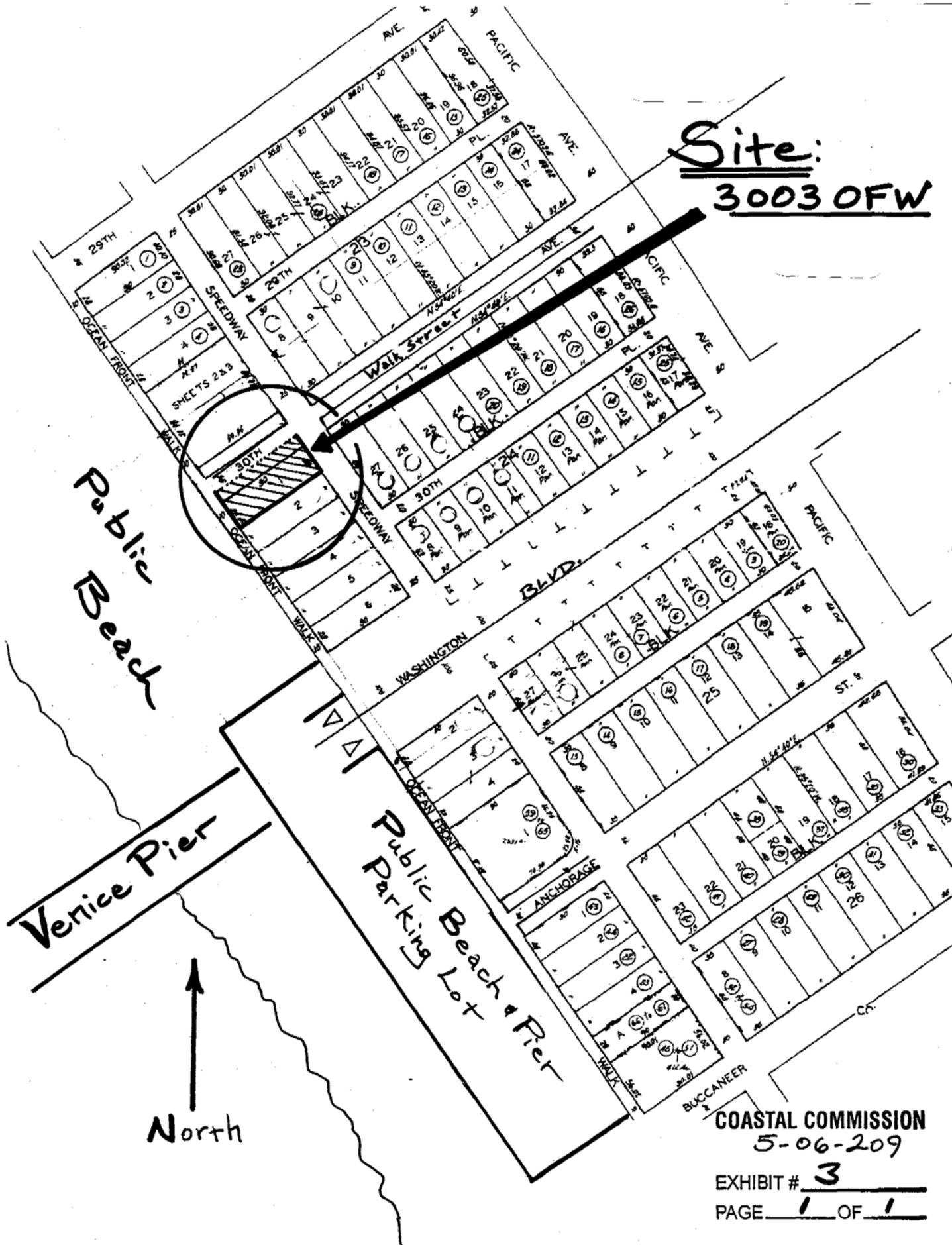


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5-06-209

EXHIBIT # 2

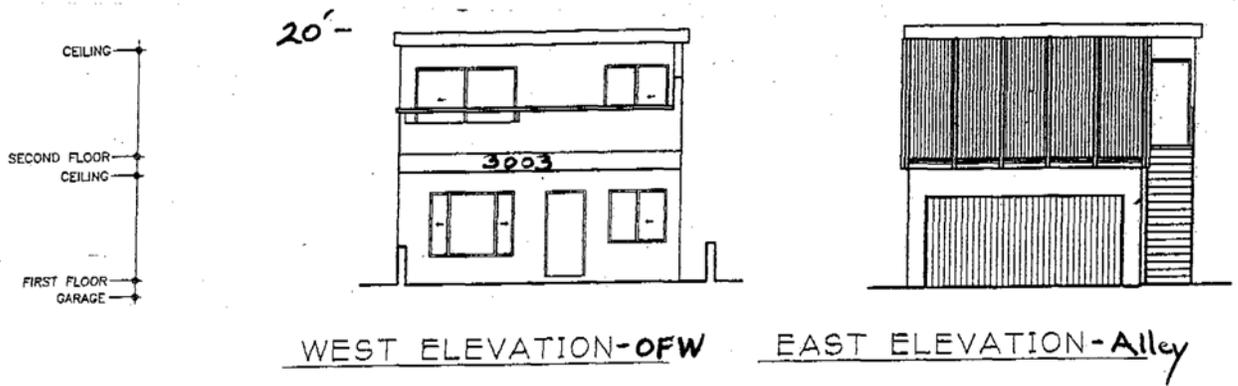
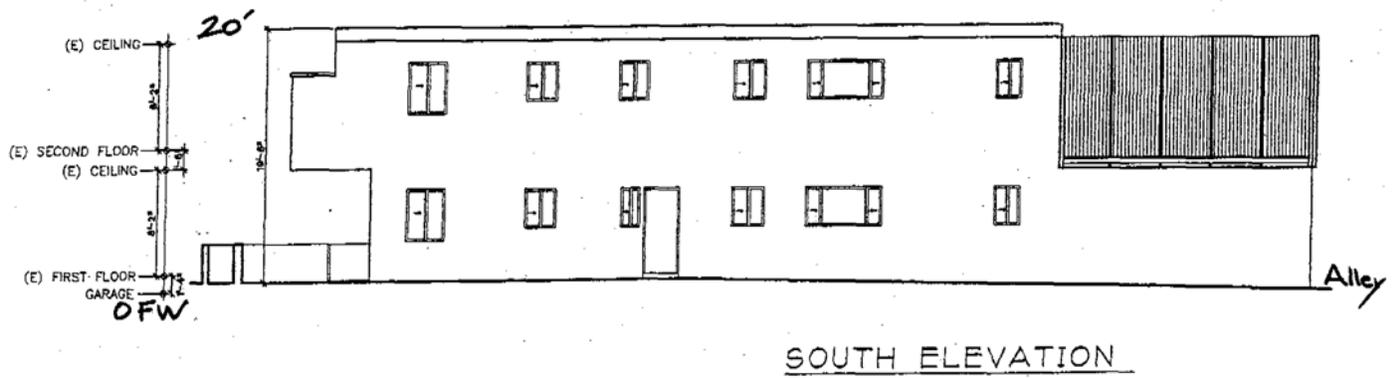
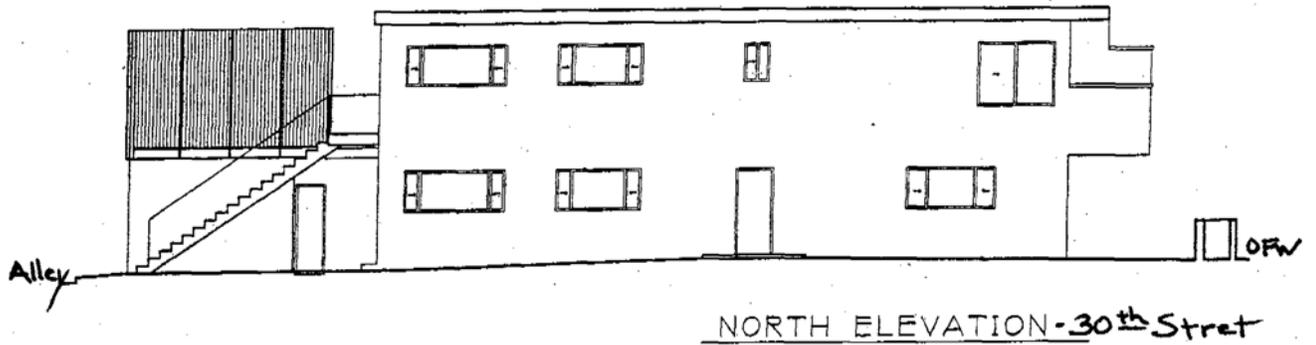
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Site:  
3003 OFW



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Existing Building-3003 OFW

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EXHIBIT # 5

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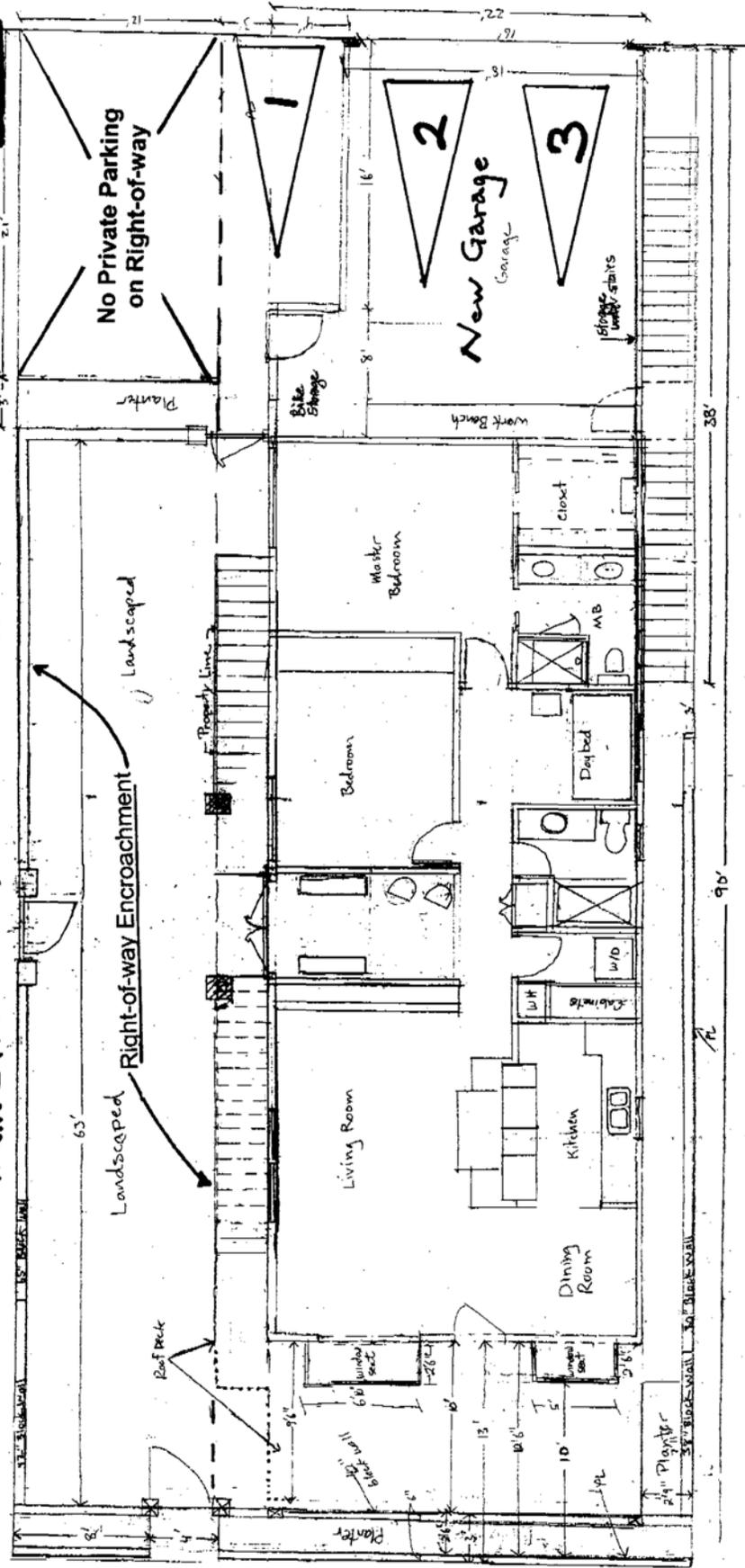


To Beach

Walk street

30th Avenue

1st Floor - Mezu  
Scale: 1/4" = 1'-0"  
DATE



Ocean Front Walk

Speedway Alley

No Private Parking on Right-of-way

New Garage

Zone: C1-1-0  
 Short Line Beach Subdivision No. 3  
 Map Reference: M B 5-116  
 Block: 24 Lot: 1  
 APN: 4228-023-001

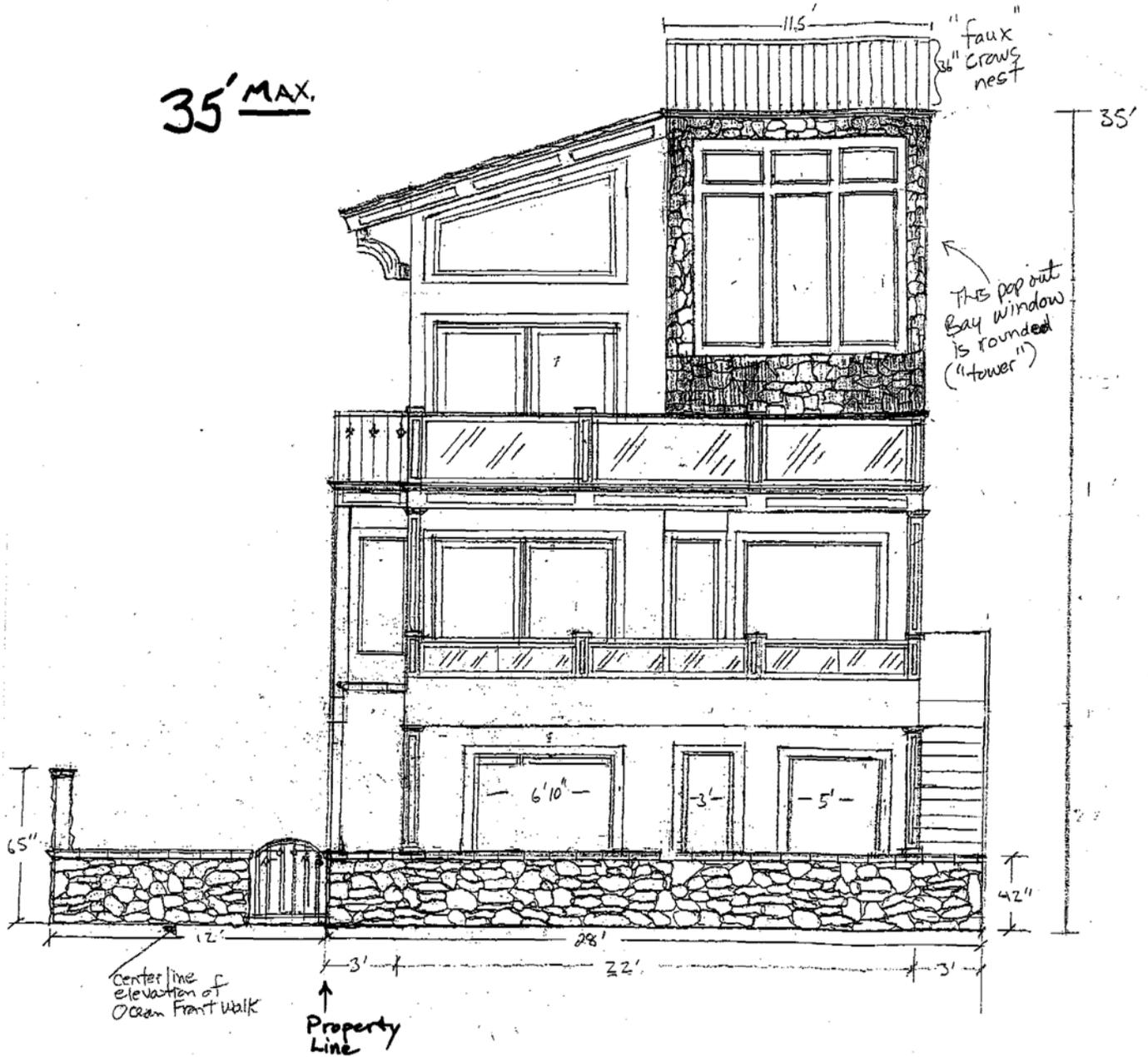
Project Name: Casa Kamina  
 Peter & Robin Rudisill  
 3003 Ocean Front Walk  
 Venice, CA 90291  
 (310) 745-3240 / (650) 455-5059

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Proposed Site Plan

North

35' MAX.



Proposed Front  
Elevation - Facing Beach

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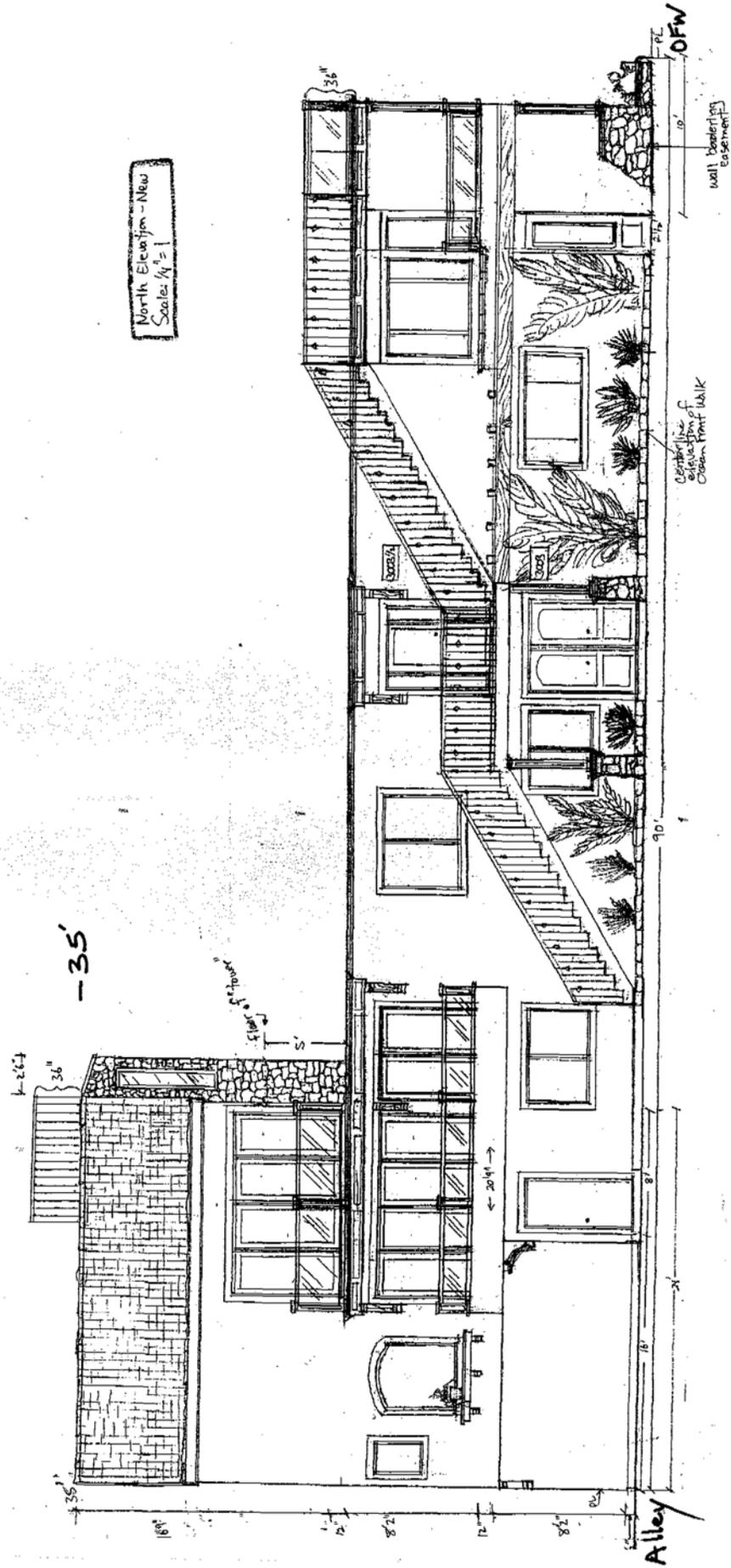
EXHIBIT # 8

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New

North Elevation - New  
Scale: 1/4" = 1'

New Construction



# Proposed Side Elevation - 30th Avenue

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EXHIBIT # 9  
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